

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-CV-529-RJC-DCK**

CHRISTOPHER PRACHT, as Personal)
Representative of the Estate of Eric F.)
Lee,)
)
Plaintiff,)
)
and)
)
GREENWOOD MOTOR LINES, INC. d/b/a)
R+L CARRIERS and R&L TRANSFER, INC.)
)
Intervenor Plaintiffs,)
)
v.)
)
SAGA FREIGHT LOGISTICS, LLC and)
TOMAS HERRERA, JR.,)
)
Defendants.)
_____)

ORDER

THIS MATTER comes before the Court on Plaintiff’s Motion for Costs and Attorneys’ Fees, (Doc. No. 126), and Intervenor Plaintiffs’ Motion in Limine, Motion for Attorneys’ Fees and Costs, and Joinder in Plaintiff’s Motion in Limine and Motion for Attorneys’ Fees and Costs, (Doc. No. 132).

Federal Rule of Civil Procedure 16(f) indicates that “the court may issue any just orders . . . if a party or its attorney . . . fails to obey a scheduling or other pretrial order” and that “the court must order the party, its attorney, or both to pay the reasonable expenses—including attorney’s fees—incurred because of any noncompliance with this rule, unless the noncompliance was substantially justified or other circumstances make an award of expenses unjust.” The Court has great discretion in fashioning remedies for a party’s failure to obey scheduling or pretrial

orders, and the remedies listed in the Rules of Civil Procedure are neither mandatory nor exhaustive. Mallinckrodt, Inc. v. Masimo Corp., 254 F. Supp. 2d 1140, 1156 (C.D. Cal. 2003); see also Briggs v. City of Norfolk, 42 F. App'x 585, 587 (4th Cir. 2002). In its discretion, the Court finds that an award of fees and expenses under the circumstances would not be appropriate. Therefore, the motions for attorneys' fees and costs will be denied.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Costs and Attorneys' Fees, (Doc. No. 126), is **DENIED**, and Intervenor Plaintiffs' Motion in Limine, Motion for Attorneys' Fees and Costs, and Joinder in Plaintiff's Motion in Limine and Motion for Attorneys' Fees and Costs, (Doc. No. 132), is **DENIED**.

Signed: November 23, 2015

A handwritten signature in dark ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

